

To: Rep. Kevin Ryan, House Chair and,
Sen. Edith Prague, Senate Chair

From: John A. McCarthy, CTDOL

Testimony for Public Hearing 2-17-09

CTDOL Bills approved by Governor's Office and OPM

We thank you for raising these department bills for public hearing and respectfully request favorable action on them.

R.B.# 6184, AA Preserving Good Cause for Late Filing of Certain Unemployment Appeals.

We respectfully request favorable action on RB# 6184.

The department has a long history of affording good cause for late appeals of unemployment decisions. (good cause is defined in sec. 31-237g-15 of the Regulations of Connecticut State Agencies).

Specific authority for this regulation is contained in sec.31-249h of the Connecticut General Statutes.

This bill will ensure that good cause for late appeals is preserved.

Two Superior Court Decisions have questioned the application of good cause to appeals of overpayment decisions made pursuant to sec. 31-273.

This bill will ensure that appeals of overpayment decisions will continue to be afforded good cause for late filing.

R.B.# 6185, AAC Penalties for Violations of Certain Personnel Files Statutes.

We respectfully request favorable action on RB# 6185.

In some cases of complaints received by the department alleging violations of chapter 563a, Personnel Files, access to the files as provided by law was denied.

This bill will allow the department to apply a civil penalty to enforce the law in a timely fashion.

It is often important that individuals gain access to their files in a timely fashion, as chapter 563a provides.

The potential that civil penalties will be applied will cause the process to move more expeditiously.

R.B.# 6186, AA Protecting the Integrity of CONNOSHA Investigations.

We respectfully request favorable action on RB# 6186.

Through the Connecticut Occupational Safety and Health Act (CONNOSHA) the department enforces health and safety standards in the public sector and provides health and safety consultation in both the public and private sector.

CONNOSHA is governed by a federal state agreement.

A condition of the agreement is that Connecticut adopt all federal OSHA health and safety standards. We adopt these pursuant to chapter 54, the Connecticut regulatory process.

Federal law provides certain confidentiality protections to federal OSHA in it's enforcement activity.

These protections are provided by the federal FOI statute.
The bill will provide the same protections to CONNOSHA enforcement activity.
To be able to investigate complaints witnesses must be afforded the same protection from disclosure that complainants already enjoy.

R.B.# 6190, AAC Confidentiality of Certain Employer Data.

We respectfully request favorable action on RB# 6190.

By law the department maintains the confidentiality of specific employee and earnings data reported to us by employers.

Such data is generally only permitted to be shared with public employees in the performance of their public duties. Such sharing is contingent upon the execution of a confidentiality agreement with the public entity.

The USDOL has contracted with a non-public entity to administer, monitor, and do performance evaluation of certain federal grants.

This bill will allow the disclosure of data necessary for the effective administration, monitoring, and performance evaluation of such grants.

The confidentiality of such data will be maintained through the execution of a confidentiality agreement between the department and the entity with which the USDOL has contracted.

Other Bills being heard on 2-17-09

C.B.# 80, AAC Electronic Unemployment Payments

This bill would have a very limited effect.

Only about 200 employers between 100 and 249 file by paper.

If the bill were to proceed we ask that it's effective date be moved forward.

C.B.# 223, AAC the Labor Commissioner and Late Wage Report Penalties for Small Employers.

We respectfully request no action on this bill.

The department provides a variety of ways by which employers, especially small employers, may easily make their quarterly report reports on time and avoid a late filing fee.

These include two variations of Internet Filing; electronic filing; filing by tape or diskette; telephone filing of a "none return" (no wages -no employees for that quarter); filing through a payroll service; or filing a paper return.

The \$25 late fee was put in place:

- (1) to bring Connecticut into compliance with federal guidelines for timely reporting;
- (2) as a partial response to the serious under funding of the UI system by the USDOL and;
- (3) to ensure that our personnel are assigned to recover monies (often substantial) due the UC Trust Fund rather than checking on a non-reporting employer.
- (4) Approximately 93-95 percent of Connecticut's employers report timely each quarter.

C.B.# 5177, AAC Employers and Notice of Available Federal Earned Income Tax Credits We inform every unemployment claimant about the federal EITC and put up federal EITC posters in our offices.

The Jobs First Employment Services (JFES), welfare to work program, arranges sessions for those in JFES with federal representatives who inform participants about the EITC and assist them in applying for it.

R.B.# 6189, AAC Reporting Statistics Based Upon Gender in Wage Reports.

We respectfully ask no action on this bill.

There are about 100,000 employers that report to us quarterly. They report employees and employee earnings. They do not report employees by gender.

R.B.# 6334, AA Designating Title Searchers as Independent Contractors.

We respectfully ask no action on this bill

Every year there are efforts to not pay UC taxes or prevent individuals from receiving UC benefits if out of work.

We oppose such efforts.